

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Act 35 of 1950.

"	"	"	1 of 1951.
"	"	"	24 of 1951.
"	"	"	43 of 1951.
"	"	"	23 of 1952.
"	"	"	46 of 1952.
"	"	"	64 of 1952.
"	"	"	26 of 1955.
"	"	"	Bom. 29 of 1935.
"	"	"	30 of 1946.
"	"	"	32 of 1948.
"	"	"	46 of 1948.
"	"	"	78 of 1948.
"	"	"	20 of 1951.
"	"	"	22 of 1951.
"	"	"	23 of 1951.
"	"	"	39 of 1951.
"	"	"	6 of 1952.
"	"	"	34 of 1953.
"	"	"	8 of 1954.
"	"	"	21 of 1954.
"	"	"	71 of 1954.
"	"	"	39 of 1955.

**N.B.**—WHERE ANY SECTIONS ARE PRINTED IN PARALLEL COLUMNS, THE FIRST COLUMN SHOWS THE SECTIONS AS AMENDED BY CENTRAL ACTS AND THE SECOND COLUMN SHOWS THE SECTIONS AS FURTHER AMENDED BY BOMBAY ACTS.

### An Act to consolidate and amend the law relating to the Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure;

It is hereby enacted as follows:—

#### PART I.

#### PRELIMINARY.

#### CHAPTER I.

1. (1) This Act may be called the Code of Criminal Procedure, 1898; and it shall come into force on the first day of July 1898.

(2) It extends to the whole Extent. of India except the States of Jammu and Kashmir and Manipur; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of

(2) It extends to <sup>1</sup> [the whole of India except the States of Jammu and Kashmir and Manipur]; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure

Short title.  
Commence-  
ment.  
Extent.

<sup>1</sup> The words "the whole of British India" have been successively substituted by the A. O. 1948, A. O. 1950 and the Code of Criminal Procedure (Amendment) Act, 1951 (I of 1951), to read as above.

procedure prescribed, by any other law for the time being in force, or shall apply to—

(a) the Commissioners of Police in the towns of Calcutta, Madras and Bombay or the police in the towns of Calcutta and Bombay;

(b) heads of villages in the State of Madras; or

(c) village police-officers in the State of Bombay:

Provided that the State Government may, if it thinks fit, by notification in the Official Gazette, extend any of the provisions of this Code, with any necessary modifications, to such excepted persons.

prescribed, by any other law for the time being in force, or shall apply to—

(a) the Commissioners of Police in the <sup>1</sup>[towns of Calcutta and Madras] or the police in the <sup>2</sup>[town of Calcutta];

(b) heads of villages in the <sup>3</sup>[State of Madras]; or

(c) village police-officers in the <sup>4</sup>[State of Bombay]:

Provided that the <sup>5</sup>[State Government] may, if it thinks fit, \* \* \* by notification in the Official Gazette, extend any of the provisions of this Code, with any necessary modifications, to such excepted persons.

2. [Repeal of enactments, notifications, etc., under repealed Acts. Pending cases.] Rep. by the Repealing and Amending Act, 1914 (X of 1914).

3. (1) In every enactment passed before this Code comes into force in which reference is made to or to any chapter or section of the Code of Criminal Procedure, Act XXV of 1861 or Act X of 1872, or Act X of 1882 or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

(2) In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class" and "Magistrate of the third class," the expression "Magistrate of a division of a district" shall be deemed to mean "Sub-divisional Magistrate," the expression "Magistrate of the district" shall be deemed to mean "District Magistrate," the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate," and the expression "Joint Sessions Judge" shall mean "Additional Sessions Judge".

4. (1) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

(a) "Advocate General" includes also a Government Advocate or where there is no Advocate General or Government Advocate, such officer as the <sup>6</sup>[State Government] may, from time to time, appoint in this behalf;

<sup>1</sup> These words were substituted for the words "towns of Calcutta, Madras and Bombay" by Bom. 22 of 1951, s. 167 (3), Sch. III.

<sup>2</sup> These words were substituted for the words "towns of Calcutta and Bombay", *ibid.*

<sup>3</sup> Substituted by Act I of 1951, s. 3, for "Presidency of Fort St. George".

<sup>4</sup> Substituted by s. 3, *ibid.* for "Presidency of Bombay".

<sup>5</sup> Substituted by the A. O. 1937 for "L. G."

<sup>6</sup> Substituted by the A. O. 1950 for "Provincial".

<sup>7</sup> The words "with the sanction of the G. G. in C." rep. by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

References to Code of Criminal Procedure and other repealed enactments. Expressions in former Acts.

Definitions.

"Advocate General."

(b) "bailable offence" means an offence shown as bailable in the second "Bailable schedule, or which is made bailable by any other law for the time being in force ; offence." and "non-bailable offence" means any other offence ; "Non-bailable offence . . ."

(c) "charge" includes any head of charge when the charge contains more "Charge." heads than one ;

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(e) <sup>2</sup>["Clerk of the State"] includes any officer specially appointed by the "Clerk of the Chief Justice to discharge the functions given by this Code to the <sup>2</sup>[Clerk of the State." State] ;

(f) "cognizable offence" means an offence for, and "cognizable case" means "Cognizable a case in which a police-officer, within or without the presidency-towns, may, offence." in accordance with the second schedule or under any law for the time being in force, arrest without warrant ; "Cognizable case."

(g) "Commissioner of Police" includes a Deputy Commissioner of Police ; "Commis- sioner of Police."

(h) "complaint" means the allegation made orally or in writing to a "Comp- Magistrate, with a view to his taking action under this Code, that some person, laint ." whether known or unknown, has committed an offence, but it does not include the report of a police officer ;

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<sup>4</sup>[(i) "High Court", in relation to the Andaman and Nicobar Islands, means "High the High Court in Calcutta, and, in relation to any other local area, means the Court." highest court of criminal appeal for that area (other than the Supreme Court) or, where no such court is established under any law for the time being in force, such officer as the State Government may appoint in this behalf ;

(j) "India" means the territories to which this Code extends] ; "India."

(k) "inquiry" includes every inquiry other than a trial conducted under this "Inquiry." Code by a Magistrate or Court ;

(l) "investigation" includes all the proceedings under this Code for the col- "Investiga- lection of evidence conducted by a police-officer or by any person (other than tion." a Magistrate) who is authorised by a Magistrate in this behalf ;

(m) "judicial proceeding" includes any proceeding in the course of which "Judicial evidence is or may be legally taken on oath ; proceeding."

(n) "non-cognizable offence" means an offence for, and "non-cognizable "Non-cog- case" means a case in which a police-officer, within or without a presidency-town ; nizable may not arrest without warrant ; offence." "Non-cogn- ziable case."

(o) "Offence" means any act or omission made punishable by any law for "Offence." the time being in force ;

it also includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 ;

I of  
1871.

<sup>1</sup> Clause (d) rep. by the Repealing and Amending Act, 1923 (11 of 1923), s. 3 and Sch. II.

<sup>2</sup> Substituted by the A. O. 1950 for "Clerk of the Crown".

<sup>3</sup> The former clause (i) was rep. by the Criminal Law (Removal of Racial Discrimination) Act, 1949 (17 of 1949), s. 3 (from the 6th April 1949).

<sup>4</sup> Substituted by Act I of 1951, s. 4, for the original clause (j).

"Officer in charge of a police-station."	(p) "officer in charge of a police-station" includes, when the officer in charge of the police-station is absent from the station-house or unable from illness or other cause to perform his duties, the police-officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the <sup>1</sup> [State] Government] so directs, any other Police officer so present ;
"Place."	(q) "place" includes also a house, building, tent and vessel ;
"Pleader."	(r) "pleader" used with reference to any proceeding in any Court, means a pleader <sup>3</sup> [or a mukhtar] authorised under any law <sup>4</sup> for the time being in force to practise in such Court, and includes (1) an advocate, a vakil and an attorney of a High Court so authorised, and (2) any <sup>5</sup> * * * other person appointed with the permission of the Court to act in such proceeding ;
"Police-station."	(s) "police-station" means any post or place declared, generally or specially by the <sup>1</sup> [State] Government] to be a police-station, and includes any local area specified by the <sup>1</sup> [State] Government] in this behalf ;
"Public Prosecutor."	(t) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor and any person conducting a prosecution on behalf of <sup>6</sup> [Government] in any High Court in the exercise of its original criminal jurisdiction ;
* * * * *	
"Sub-division."	(u) "sub-division" means a sub-division of a district ;
"Summons-case."	(v) "summons-case" means a case relating to an offence, and not being a warrant-case ; and
"Warrant-case."	(w) "warrant-case" means a case relating to an offence punishable with death ; <sup>8</sup> [imprisonment for life or imprisonment for a term exceeding one year].
Words referring to acts.	(2) Words which refer to acts done, extend also to illegal omissions ; and
Words to have same meaning as in Indian Penal Code.	all words and expressions used herein and defined in the Indian Penal Code, and <sup>XLV</sup> not hereinbefore defined, shall be deemed to have the meanings respectively of <sup>1860</sup> attributed to them by that Code.
Trial of offences under Penal Code.	5. (1) All offences under the Indian Penal Code shall be investigated, <sup>XLV</sup> inquired into, tried and otherwise dealt with according to the provisions hereinafter of <sup>1860</sup> contained.
Trial of offences against other laws.	(2) All offences under any other law shall be investigated, inquired into, tried and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences.

<sup>1</sup> Substituted by the A. O. 1937 for "L. G.".

<sup>2</sup> Substituted by the A. O. 1950 for "Provincial".

<sup>3</sup> Inserted by the Code of Criminal Procedure (Further Amendment) Act, 1923 (35 of 1923), s. 2.

<sup>4</sup> See the Legal Practitioners Act, 1846 (1 of 1846) ; the Legal Practitioners Act, 1853 (20 of 1853) ; the Legal Practitioners Act, 1879 (18 of 1879) ; the Legal Practitioners Act, 1884 (9 of 1884) ; and the Legal Practitioners (Amendment) Act, 1908 (1 of 1908).

<sup>5</sup> The words " mukhtar of " rep. by Act 35 of 1923, s. 2.

<sup>6</sup> Substituted by the A. O. 1950 for " Her Majesty ".

<sup>7</sup> Clause (tt) which was inserted by the A. O. 1950 was omitted by Act 1 of 1951, s. 4.

<sup>8</sup> Substituted by Act 26 of 1955, s. 2, for " transportation or imprisonment for a term exceeding six months ".